

407 CANNON BUILDING
WASHINGTON, D.C. 20515
(202) 225-4018

1414 FEDERAL BUILDING
BALTIMORE, MARYLAND 21201
(301) 962-4510

235 WILDE LAKE VILLAGE GREEN
COLUMBIA, MARYLAND 21044
(301) 962-8104

BALTIMORE FEDERAL BANK BUILDING
6609 REISTERSTOWN ROAD
SUITE 104
BALTIMORE, MARYLAND 21215
(301) 962-6102

COMMITTEES
ENERGY AND COMMERCE
SUBCOMMITTEES
HEALTH AND THE ENVIRONMENT
COMMERCE, TRANSPORTATION AND TOURISM
MERCHANT MARINE AND FISHERIES
SUBCOMMITTEES
MERCHANT MARINE
COAST GUARD
OCEANOGRAPHY
PANAMA CANAL/OUTER CONTINENTAL SHELF
SELECT COMMITTEE ON
CHILDREN, YOUTH, AND FAMILIES

Congress of the United States
House of Representatives
Washington, D.C. 20515

APRIL 3, 1984

TESTIMONY BEFORE THE
SUBCOMMITTEE ON COMPENSATION AND
EMPLOYEE BENEFITS

PAY EQUITY LEGISLATION

MADAM CHAIR: I AM HAPPY TO HAVE THE OPPORTUNITY TODAY TO SPEAK IN SUPPORT OF THE IMPORTANT PAY EQUITY INITIATIVES BEFORE THIS CONGRESS. I WANT TO ESPECIALLY COMMEND MY COLLEAGUES, THE CHAIR, THE GENTLELADY FROM OHIO (MS. OAKAR) AND THE GENTLELADY FROM COLORADO (MRS. SCHROEDER) FOR THEIR LEADERSHIP IN THIS IMPORTANT ISSUE OF CRITICAL IMPORTANCE TO WOMEN.

SIMPLY PUT, PAY EQUITY IS A POLICY WHICH CALLS FOR CORRECTING THE PRACTICE OF PAYING WOMEN LESS THAN MEN FOR WORK THAT REQUIRES COMPARABLE SKILL, EFFORT, RESPONSIBILITY AND WORKING CONDITIONS. PAY EQUITY IS A METHOD OF CLOSING THE WAGE GAP BETWEEN MEN AND WOMEN.

THIS WAGE GAP IS ESPECIALLY CRITICAL TODAY GIVEN THE CHANGES IN THE MARKETPLACE TODAY. TWO MILLION MORE WOMEN EACH YEAR ARE ENTERING THE WORKPLACE. THE GREAT MAJORITY OF THESE WOMEN ARE ENTERING THE WORKPLACE BECAUSE THEY HAVE TO IN ORDER TO SUPPORT THEIR FAMILIES. OVER 22% OF ALL CHILDREN NOW LIVE IN SINGLE PARENT FAMILIES; THE GREAT MAJORITY OF THESE ARE HEADED BY WOMEN.

YET THESE WOMEN, OFTEN TRAUMATIZED BY THE TRAGEDIES OF DIVORCE,

WIDOWHOOD, DESERTION OR CHRONIC NONSUPPORT, ARE TWICE TRAUMATIZED BY THE REALITIES OF THEIR INADEQUATE PAY CHECKS. OVER 13 MILLION CHILDREN IN THIS COUNTRY LIVE IN POVERTY. YET, THEIR MOTHERS - OFTEN THE ONLY SOURCE OF PARENTAL SUPPORT - CANNOT EARN A SUFFICIENT WAGE TO MOVE THEM OUT OF POVERTY.

DESPITE THE PASSAGE OF THE EQUAL PAY ACT OF 1963 AND THE CIVIL RIGHTS ACT OF 1964, WOMEN STILL ONLY EARN ABOUT 60¢ TO THE DOLLAR THAT MEN EARN. TWO OUT OF EVERY THREE AMERICANS IN POVERTY ARE WOMEN. THE INSIDIOUS PERSISTENCE OF THIS GAP REFLECTS IN LARGE PART, THE OCCUPATIONAL SEGREGATION--SOME WOULD SAY "GHETTOIZATION"--OF WOMEN INTO A NARROW SPECTRUM OF LOW-PAYING JOBS. IN 1983, ABOUT 80% OF WORKING WOMEN WERE IN LOW-PAYING, LOW-STATUS, DEAD-END JOBS IN SERVICE INDUSTRIES, RETAIL STORES, FACTORIES, PLANTS AND CLERICAL OCCUPATIONS. THESE TRADITIONAL "PINK COLLAR" JOBS CONSTITUTE ONLY 20 OUT OF THE 427 OCCUPATIONS LISTED BY THE CENSUS BUREAU.

MANY STATE AND LOCAL GOVERNMENTS HAVE ALREADY BEGUN TO RESPOND TO THIS INEQUITY BY STUDYING WHETHER PREDOMINANTLY FEMALE JOBS ARE UNDERPAID RELATIVE TO THEIR WORTH. IN FACT, 18 STATES HAVE ENACTED JOB EVALUATION STUDIES TO DETERMINE TO WHAT EXTENT THE WAGE GAP BETWEEN EMPLOYEES IS A RESULT OF SEX DISCRIMINATION. IN MY OWN STATE OF MARYLAND, THE HOUSE OF DELEGATES JUST PASSED A RESOLUTION AFFIRMING THE POLICY OF COMPARABLE PAY FOR COMPARABLE VALUE. THAT RESOLUTION ALSO REQUIRES THAT THE STATE COMPENSATION PLAN BE REVIEWED AND REVISED IN ACCORDANCE WITH THE POLICY OF PAY EQUITY.

THESE IMPORTANT, RESPONSIVE INITIATIVES ARE GAINING MOMENTUM AT THE STATE AND LOCAL LEVEL. YET THERE IS AN INEXCUSABLE INACTIVITY AT THE FEDERAL LEVEL. CONGRESSIONAL ACTION WILL BOTH REAFFIRM THE

-MORE-

THE LEADERSHIP DEMONSTRATED BY THESE STATES AND SERVE AS A MODEL FOR OTHER STATES AND PRIVATE EMPLOYERS. JUST AS THESE STATES HAVE TAKEN RESPONSIBILITY FOR THEIR EMPLOYEES, THE FEDERAL GOVERNMENT MUST TAKE RESPONSIBILITY FOR ITS EMPLOYEES.

INACTIVITY IS ESPECIALLY INEXCUSABLE GIVEN RECENT COURT DECISIONS WHICH ESTABLISHED THE PRECEDENCE FOR PAY EQUITY UNDER TITLE VII OF THE CIVIL RIGHTS ACT. THE RECENT WASHINGTON STATE CASE FOUND THAT TITLE VII IS NECESSARILY VIOLATED WHEN SEX IS THE BASIS FOR PAYING LOWER SALARIES TO POSITIONS PRIMARILY FILLED BY WOMEN THAN TO THOSE POSITIONS MAINLY FILLED BY MEN.

FURTHERMORE, TWO IMPORTANT SUPREME COURT CASES LAID THE FOUNDATION FOR THIS DECISION. THE COURT TWICE RULED THAT SEX-BASED WAGE DISCRIMINATION IS ILLEGAL. PROTECTION UNDER TITLE VII IS NOT LIMITED TO CLAIMS OF EQUAL PAY FOR EXACTLY EQUAL JOBS. THE ESSENTIAL FACTOR WAS NOT WHETHER THE TWO JOBS WERE THE SAME, BUT WHETHER THE PREDOMINANTLY FEMALE JOB IS PAID LESS THAN THE PREDOMINANTLY MALE JOB SOLELY ON THE BASIS OF THE SEX OF THE EMPLOYEE FILLING THAT JOB.

THE REAGAN JUSTICE DEPARTMENT, IN ITS CONTINUED EFFORTS TO UNDERMINE WOMEN'S RIGHTS, CONSIDERED CHALLENGING THE IMPORTANT LANDMARK DECISION IN THE WASHINGTON CASE. I JOINED WITH 71 OF MY COLLEAGUES IN THE CAUCUS FOR WOMEN'S ISSUES IN PROTESTING THAT ACTION BY WRITING TO THE PRESIDENT TO ENCOURAGE HIS SUPPORT. I HAVE CONTINUED MY SUPPORT OF PAY EQUITY BY JOINING AS CO-SPONSOR OF THE BILLS INTRODUCED BY CHAIR OF THIS SUBCOMMITTEE. THE FEDERAL EMPLOYEES PAY EQUITY ACT WOULD PROMOTE PAY EQUITY IN THE FEDERAL CIVIL SERVICE SYSTEM. THE PAY EQUITY ACT OF 1984 WOULD REQUIRE THE E.E.O.C., SEC. OF LABOR AND THE ATTORNEY

-MRE-

GENERAL TO REPORT TO THE PRESIDENT AND TO CONGRESS ON ACTIONS TAKEN TO ENFORCE FEDERAL LAWS WHICH PROHIBIT DISCRIMINATION IN COMPENSATION.

I HAVE ALSO JOINED AS COSPONSOR OF THE GENTLEMAN FROM COLORADO'S (MRS. SCHROEDER'S) BILL WHICH EXPRESSES THE SENSE OF CONGRESS CALLING FOR THE EXECUTIVE BRANCH AGENCIES TO ENFORCE EQUAL PAY LAWS IN BOTH THE PRIVATE AND PUBLIC SECTORS.

THESE ARE IMPORTANT BEGINNINGS. IT IS TIME THAT CONGRESS ACTIVELY DEMONSTRATED SENSITIVITY TO THE PERVASIVE, INSTITUTIONALIZED DISCRIMINATION TOWARD WOMEN IN THE MARKETPLACE.

OPPONENTS ARGUE THAT IT IS IMPOSSIBLE TO COMPARE DIFFERENT JOBS. BUT THE DIFFERENCES CAN BE QUANTIFIED ACCORDING TO TRAINING, EXPERIENCE, KNOWLEDGE, DECISION-MAKING POWERS, RESPONSIBILITY AND OTHER CRITERIA. OBJECTIVE STANDARDS SUCH AS THESE ARE PART OF ANY RESPONSIBLE JOB EVALUATION. THEREFORE, IT IS ONLY REASONABLE THAT THEY BE USED TO COMPARE AND CONTRAST JOBS IN ORDER TO ACHIEVE A BALANCED AND JUST PAY SCALE THROUGHOUT THE WORKPLACE.

OPPONENTS ALSO ARGUE THAT THE LAW OF SUPPLY AND DEMAND WILL DETERMINE SALARIES FAIRLY. YET, THE CRITICAL SHORTAGE OF NURSES HAS NOT RESULTED IN FAIR COMPENSATION FOR THEIR SERVICES. FOR EXAMPLE, IN 1981, A FULL-TIME R.N. EARNED AN AVERAGE OF \$331 PER WEEK. THIS IS LESS THAN TICKET AGENTS, ELECTRICIANS, DRAFTERS-- OCCUPATIONS WHICH BY COINCIDENCE ARE PREDOMINANTLY FILLED BY MEN.

OPPONENTS ALSO ARGUE THAT THE POLICY OF PAY EQUITY CANNOT BE IMPLEMENTED BECAUSE IT IS TOO COSTLY. OUR ANSWER MUST BE THAT COST IS NO EXCUSE FOR DISCRIMINATION! IN THE PAST, OPPONENTS FOUGHT AGAINST CHILD LABOR LAWS, THE MINIMUM WAGE, AND HEALTH AND SAFETY LAWS BECAUSE THEY TOO WERE TOO EXPENSIVE.

-MORE-

IT IS TIME TO ACKNOWLEDGE THAT PAY EQUITY IS A FUNDAMENTAL CIVIL RIGHTS ISSUE. IT IS TIME THAT SEX-BASED WAGE DISCRIMINATION MUST BE OUTLAWED JUST LIKE RACE-BASED WAGE DISCRIMINATION. THE RESULTS ARE JUST AS INVIDIOUS AND DEVASTATING.

THE JOBS PERFORMED BY WOMEN ARE VITAL TO THE SUPPORT AND DEVELOPMENT OF OUR SOCIETY. IT IS TIME THEY WERE VALUED AS SUCH.

THEREFORE, I URGE MY COLLEAGUES TO SUPPORT THESE IMPORTANT MEASURES WHICH ESTABLISH THE POLICY OF PAY EQUITY AND BEGIN TO PROVIDE US WITH THE CONCRETE DATA BASE NECESSARY TO IMPLEMENT THAT POLICY.

AGAIN, I THANK YOU, MADAM CHAIR, FOR THE OPPORTUNITY OF SPEAKING IN SUPPORT OF THIS LEGISLATION AND COMMEND YOU FOR YOUR LEADERSHIP ON THIS IMPORTANT ISSUE.

-END